CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

ENDC/219
27 February 1968

ENGLISH
Original: SPANISH

Memorandum of the Government of Spain presented on 8 February 1968 to the co-Chairmen of the Conference of the Eighteen-Nation Committee on Disarmament

Nuclear energy is one of the aspects of technical progress that can contribute most decisively to the welfare of all countries; but if its use is not controlled it is capable of destroying man and his work on earth. Hence the imperative need to prevent its use for ends not wholly peaceful. Likewise, until such time as nuclear disarmament and the destruction of atom-bomb arsenals are achieved, an objective which cannot be overlooked in the context of general and complete disarmament, a treaty on the non-proliferation of nuclear weapons would bring the international community nearer to that end.

The mature stage reached by the work of the Eighteen-Nation Committee on Disarmament on the preparation of a draft treaty on non-proliferation of nuclear weapons, and the opportunities that its rules of procedure offer to non-member countries to set forth their ideas, have led the Spanish Government to address to the co-Chairmen some remarks on the text submitted on 18 January last, containing its views on some aspects of the draft which Spain regards as most important.

For many years the Spanish Government has been interested in the peaceful uses of nuclear energy and in prospecting for its sources. As a result Spain is now mining large uranium deposits with highly-favourable prospects of extension. It also has three atomic power stations under construction with an overall rating of more than 1,000 MW, and four others in an advanced stage of design which will certainly double that rating in the very near future.

The measures in the new draft concerning the right to participate as fully as possible in scientific and technical information for the peaceful uses of atomic energy are sound, and can have important effects on the development of non-nuclear countries. Nevertheless, the Spanish Government takes the view that this information should refer specifically to the entire technology of reactors and fuels.

In regard to the measures proposed in paragraph 2 of article X of the draft, the Spanish Government considers too long the period of 25 years which is specified before a conference would decide whether the treaty is thereafter to continue in force indefinitely or to be extended for a limited period. Likewise, the twenty years between the conference mentioned in paragraph 3 of article VIII and that mentioned in article X is too long a time for the treaty to be adaptable solely through the procedure laid down for introducing amendments, to any fresh circumstances that may arise in the international situation. Thus it seems advisable that conferences like that provided for in article VIII should be held every five years, and that the one mentioned in article X should be held twenty years after the treaty comes into force.

In the Spanish Government's view the vitality of the treaty will be directly proportional to the support it receives from the members of the international community. Thus the important question is not merely the number of ratifying countries, for the purposes both of putting it into force and of introducing amendments, but the nuclear characteristics of the countries whose signature and ratification will help to put it into force. Hence this Government takes the view that the non-nuclear Powers which ratify the treaty and its amendments ought to include the largest possible number of countries having some development in this field. It would therefore be advisable to require that the ratifying countries should include at least twelve which possess power reactors in operation or under construction, or else possess within their territories uranium deposits which have been proved economically exploitable. Lastly, the number of forty for the countries ratifying the treaty seems too small, and should be raised to sixty at least.

In regard to the ratification of amendments, it would seem logical that the procedure for putting them into force should be similar to that proposed for ratifying the treaty, naturally subject to the provision of article VIII, paragraph 2, that amendments shall be binding solely on the parties that ratify them.

The Spanish Government attaches the greatest importance to the content of article VI of the draft. It is indeed essential that non-proliferation shall never be regarded as an end in itself. Actually it is only a stage — one of vital importance to mankind, certainly, but only a stage in the consummation we all seek to achieve: general and complete disarmament under effective international control. Hence this Government considers that the obligations set out in article VI should be strengthened to the maximum by specially including in them the destruction of nuclear weapons and their vehicles, since disarmament will not have any effective reality except under a general scheme which covers nuclear armanent. Though the undertaking to pursue negotiations is of the greatest importance, it seems advisable to specify more concretely the obligations which signatories of the Treaty undertake through this clause.

The Spanish Government attaches the greatest importance to the statements made by the President of the United States of America and by the Government of the United Kingdom to the effect that both these countries are ready to accept the application of the system of safeguards to all their peaceful activities, following the principle set forth in section (b) of paragraph 2 of the operative part of resolution 2028 (XX) of the United Nations General Assembly, which is fundamental in all matters connected with the non-proliferation of atomic weapons. The Spanish Government thinks it necessary that an obligation of this kind should also be included in the text of the treaty, binding all the nuclear Powers, so as to reduce as far as possible the existing discrimination between them and those who do not possess atomic weapons.

Lastly, a feature which the Spanish Government misses in the text submitted to the Conference of the Eighteen-Nation Disarmanent Committee on 18 January last is any measure relating to the guarantees which must be given to non-nuclear countries by signatories possessing nuclear weapons, first that they shall not be attacked or threatened with attack by nuclear weapons, and secondly that, if a nuclear Power not party to the treaty attacks or threatens to attack a non-nuclear signatory, the nuclear parties to the treaty shall react appropriately. The Government of Spain hopes that a formula will be found for a positive solution of this problem, the importance of which has been stressed by most countries and which is fundamental for this Government.

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

ENDC/220
28 February 1968
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N I G E R I A

Working Paper
containing additions and amendments
for inclusion in the draft treaty
on the non-proliferation of nuclear weapons

Article IV

The words "undertake to facilitate" should be substituted for the words "have the right to participate in". Further down the sentence, the word "on" should replace the word "for", between "technological information" and "peaceful uses".

Article V

Paragraph 2 Insert as paragraph 2:

"Each Party to the Treaty undertakes to communicate annually to the IAEA, full information on the nature, extent and results of its co-operation with any other Party or group of Parties, in the development of nuclear energy for peaceful purposes. The Reports so received by the IAEA shall be circulated by the Agency to all the Parties to the Treaty".

Article VIII

Paragraph 4 Insert after the amendments of the United Kingdom and Sweden (ENDC 203/Rev. 1 and 215 respectively):

"The findings of the review conferences shall be adopted by a majority of signatory states present."

GE.68-3468
68-06068

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

ENDC/221
6 March 1968

ENGLISH
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~~ITALY~~

Working Paper

Resolution A/RES/2346 (XXII) adopted by the United Nations General Assembly on 19 December 1967 called upon the Eighteen-Nation Committee on Disarmament, among other things, to continue its work, giving all due consideration to all proposals submitted to the Committee concerning non-proliferation and to the views expressed by Member States during the twenty-second session of the General Assembly.

In view of the short time separating us from 15 March, the date on which a full report on the state of our work is to be submitted to the United Nations General Assembly, the Italian delegation desires to make an initial contribution to the preparation of this report, at the same time facilitating the task of its drafters.

For this purpose, it has endeavoured to group, by chapter headings relating to the specific points raised, the various documents which reflect the opinions and proposals advanced from all quarters concerning the non-proliferation treaty. The Italian delegation expresses the opinion that these documents should be referred to in the report to the United Nations General Assembly.

The list of these documents, which is reproduced below, far from claiming to be complete, is, on the contrary, open to any additions and amendments which other delegations may wish to make to it:

A - Link between the non-proliferation treaty and other disarmament measures: the treaty as a first step towards the achievement of general and complete disarmament.

1. MEXICO, ENDC/196 of 19 September 1967
2. SWEDEN A/PV.1563
3. JAPAN A/PV.1563
4. UNITED KINGDOM A/PV.1567
5. ROMANIA A/PV.1584
6. ROMANIA ENDC/PV.362 of 6 February of 1968
7. SWEDEN ENDC/215 of 8 February 1968
8. BRAZIL ENDC/201/Rev.2 of 13 February 1968
9. UNITED KINGDOM ENDC/PV.369 of 22 February 1968
10. INDIA ENDC/PV/370 of 27 February 1968

GE.68-3792
68-06065

B - Balance of mutual responsibilities and obligations between nuclear and non-nuclear Powers

1. ROMANIA ENDC/199 of 19 October 1967
2. ITALY ENDC/PV.318 of 1 August 1967
3. ITALY ENDC/PV.326 of 29 August 1967
4. SWITZERLAND ENDC/204 of 24 November 1967
5. BRAZIL A/PV.1562
6. BURMA A/PV.1575
7. NETHERLANDS A/PV.1576
8. MALTA A/PV.1582
9. INDIA A/PV.1582
10. INDIA A/C.1/PV.1551
11. SUDAN A/PV.1585
12. PAKISTAN A/PV.1584
13. NIGERIA A/PV.1586
14. CEYLON A/PV.1588
15. GHANA A/C.1/PV.1553

C - Development of research and utilization of nuclear energy for peaceful purposes

1. ITALY ENDC/PV.289 of 28 February 1967
2. ITALY ENDC/PV.326 of 29 August 1967
3. CANADA ENDC/PV.329 of 12 September 1967
4. MEXICO ENDC/196 of 19 September 1967
5. ROMANIA ENDC/199 of 19 October 1967
6. BRAZIL ENDC/201/Rev.1 of 1 November 1967
7. NIGERIA ENDC/202 of 2 November 1967
8. SWITZERLAND ENDC/204 of 24 November 1967
9. BRAZIL A/PV.1562
10. JAPAN A/PV.1563
11. USSR A/PV.1563
12. CANADA A/PV.1569
13. ARGENTINA A/PV.1569
14. PARAGUAY A/PV.1579
15. INDIA A/PV.1582

16. ROMANIA A/PV.1584
17. NIGERIA A/PV.1586
18. INDIA A/C.1/PV.1551
19. SWEDEN ENDC/216 of 13 February 1968
20. BRAZIL ENDC/201/Rev.2 of 13 February 1968
21. ITALY ENDC/218 of 20 February 1968
22. NIGERIA ENDC/220 of 28 February 1968

D - Problem of security guarantees against nuclear attack and against the threat of such attack

1. ITALY ENDC/PV.326 of 29 August 1967
2. UNITED ARAB REPUBLIC ENDC/197 of 26 September 1967
3. ROMANIA ENDC/199 of 19 October 1967
4. NIGERIA ENDC/202 of 2 November 1967
5. UNITED STATES OF AMERICA A/1562
6. JAPAN A/PV.1563
7. GHANA A/PV.1565
8. CANADA A/PV.1569
9. MALTA A/PV.1582
10. JAMAICA A/PV.1584
11. PAKISTAN A/PV.1584
12. CEYLON A/PV.1588
13. FINLAND A/C.1/PV.1548
14. MALAYSIA A/PV.1581 - A/C.1/PV.1552
15. ROMANIA ENDC/PV.362 of 6 February 1968

E - Problem of the universality of the non-proliferation treaty

1. JAPAN A/PV.1563
2. MALTA A/PV.1582
3. TANZANIA A/PV.1583
4. LIBERIA A/PV.1587
5. BRAZIL A/C.1/PV.1551
6. GHANA A/C.1/PV.1553

F - Problem of control.

1. - ITALY ENDC/PV.289 of 28 February 1967
2. - ITALY ENDC/PV.326 of 29 August 1967
3. - ITALY ENDC/PV.341 of 24 October 1967
4. - SWEDEN ENDC/195 of 30 August 1967
5. - ROMANIA ENDC/199 of 19 October 1967
6. - SWITZERLAND ENDC/204 of 24 November 1967
7. - UNITED STATES OF AMERICA ENDC/206 of 5 December 1967
8. - UNITED KINGDOM ENDC/207 of 5 December 1967
9. - ROMANIA A/PV.1584
10. - ROMANIA ENDC/PV.362 of 6 February 1968

G - Vertical proliferation in its various aspects.

1. - UNITED ARAB REPUBLIC ENDC/197 of 26 September 1967
2. - SWITZERLAND ENDC/204 of 24 November 1967
3. - BRAZIL ENDC/201/Rev.2 of 13 February 1968

H - Regional denuclearization agreements.

1. - MEXICO ENDC/196 of 19 September 1967
2. - BRAZIL ENDC/201/Rev.2 of 13 February 1968

I - Duration of the non-proliferation treaty and problem of amendments.

1. - ITALY ENDC/PV.326 of 29 August 1967
2. - ROMANIA ENDC/199 of 19 October 1967
3. - ITALY ENDC/PV.341 of 24 October 1967
4. - BRAZIL ENDC/201/Rev.1 of 1 November 1967
5. - ITALY ENDC/PV.350 of 23 November 1967
6. - BRAZIL ENDC/PV.363 of 8 February 1968
7. - ITALY ENDC/218 of 20 February 1968

L - Periodic revision conferences.

1. - ROMANIA ENDC/PV.362 of 6 February 1968
2. - SWEDEN ENDC/215 of 8 February 1968
3. - ITALY ENDC/218 of 20 February 1968
4. - NIGERIA ENDC/220 of 28 February 1968

M - Right of withdrawal.

1. - NIGERIA ENDC/202 of 2 November 1967
2. - ROMANIA ENDC/PV.362 of 6 February 1968
3. - BRAZIL ENDC/201/Rev.2 of 13 February 1968

N - Entry into force of the non-proliferation treaty.

1. - SWITZERLAND ENDC/204 of 24 November 1967

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

ENDC/222
7 March 1968

ENGLISH
Original: ENGLISH/RUSSIAN

UNION OF SOVIET SOCIALIST REPUBLICS - UNITED KINGDOM - UNITED STATES OF AMERICA

Draft Resolution of the Security Council on Security Assurances

The Security Council

Noting with appreciation the desire of a large number of States to subscribe to the Treaty on the Non-Proliferation of Nuclear Weapons, and thereby to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices,

Taking into consideration the concern of certain of these States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security,

Bearing in mind that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,

1. Recognizes that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;

2. Welcomes the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;

3. Reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

GE.68-4105
68-06062

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

ENDC/223
8 March 1968

ENGLISH
Original: FRENCH

ROMANIA

Amendments to the draft treaty on the non-proliferation of nuclear weapons

I. ARTICLE III

1. Introduce a new paragraph - paragraph 1 - worded as follows:

"1. The control established by this Article shall have the exclusive purpose of preventing the use of special fissionable materials for the production of nuclear weapons or other nuclear explosive devices by non-nuclear-weapon States Party to the Treaty. Control shall be applied to such peaceful nuclear activities of non-nuclear-weapon States Party to the Treaty as, by their nature and the quantities of source and special fissionable materials which they produce, process or use, may lead to the proliferation of nuclear weapons."

2. Amend paragraph 1 of the present text, which becomes paragraph 2 in the proposed formulation, in the following way:

(a) Replace the words "assumed under this Treaty" by the words "assumed under Articles I and II of this Treaty".

(b) Replace the expression "required by this Article" by the expression "stipulated in the aforesaid agreement concluded with the International Atomic Energy Agency".

(c) Replace the last sentence, beginning "The safeguards required by this Article", by the following sentence: "The safeguards stipulated in the aforesaid agreement concluded with the International Atomic Energy Agency shall be applied on all source or special fissionable material which exceeds the qualitative and quantitative limits beyond which its use in peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere may lead to the production of nuclear weapons or other nuclear explosive devices".

3. Amend paragraph 2 of the present text, which becomes paragraph 3 in the proposed formulation, by replacing the words "safeguards required by this Article" by the words "safeguards stipulated in the aforesaid agreement concluded with the International Atomic Energy Agency".

GE.68-4175
68-06059

4. Amend paragraph 3 of the present text, which becomes paragraph 4 of the proposed formulation, in the following way:

(a) Replace the words "The safeguards required by this Article" by the words "The safeguards stipulated by the aforesaid agreement concluded with the International Atomic Energy Agency".

(b) Replace the words "in accordance with the provisions of this Article" by the words "in accordance with the provisions of the Statute of the International Atomic Energy Agency, the Agency's safeguards system".

5. Paragraph 4 of the present text becomes, as a result of the foregoing amendments, paragraph 5.

6. Insert at the end of the present text a new paragraph worded as follows:

"6. The States Party to the Treaty agree to establish through the Security Council an appropriate control to ensure that non-nuclear-weapon States Party to the Treaty on whose territory there are foreign military bases shall not acquire in any form whatsoever access to nuclear weapons indirectly through such bases".

As a result of the proposed amendments Article III will have the following wording:

"1. The control established by this Article shall have the exclusive purpose of preventing the use of special fissionable materials for the production of nuclear weapons or other nuclear explosive devices by non-nuclear-weapon States Party to the Treaty. Control shall be applied to such peaceful nuclear activities of non-nuclear-weapon States Party to the Treaty as, by their nature and the quantities of source and special fissionable materials which they produce, process or use, may lead to the proliferation of nuclear weapons.

2. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency, in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under Articles I and II of this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards stipulated in the aforesaid agreement concluded with the International Atomic Energy Agency shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility

or is outside any such facility. The safeguards stipulated in the aforesaid agreement concluded with the International Atomic Energy Agency shall be applied on all source or special fissionable material which exceeds the qualitative and quantitative limits beyond which its use in peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere may lead to the production of nuclear weapons or other nuclear explosive devices.

3. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material specially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards stipulated in the aforesaid agreement concluded with the International Atomic Energy Agency.

4. The safeguards stipulated in the aforesaid agreement concluded with the International Atomic Energy Agency shall be implemented in a manner designed to comply with the provisions of Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of the Statute of the International Atomic Energy Agency, the Agency's safeguards system and the principle of safeguarding set forth in the Preamble.

5. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

6. The States Party to the Treaty agree to establish through the Security Council an appropriate control to ensure that non-nuclear-weapon States Party to the Treaty on whose territory there are foreign military bases shall not acquire in any form whatsoever access to nuclear weapons indirectly through such bases".

II. ARTICLE VI

Replace the present text by the following formulation:

"1. Nuclear-weapon States Party to the Treaty undertake to adopt specific measures to bring about as soon as possible the cessation of the manufacture of nuclear weapons and the reduction and destruction of nuclear weapons and the means of their delivery.

2. If, five years after the entry into force of this Treaty, such measures shall not have been taken, the Parties shall examine the situation thus created and decide on the measures to be taken".

III. ARTICLE VI-A

Insert a new article worded as follows:

"Nuclear-weapon States solemnly undertake never in any circumstances to use or threaten to use nuclear weapons against non-nuclear-weapon States which undertake not to manufacture or acquire nuclear weapons".

IV. ARTICLE VIII

After paragraph 3, add a new paragraph:

"Such conferences shall be convened thereafter periodically every five years, to review the manner in which the obligations assumed by all Parties to this Treaty are carried out".

V. ARTICLE X

Delete the last sentence of the first paragraph of this Article: "Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests".